

#### REMARKS

Reconsideration of the application as amended is respectfully requested. In the action of February 6, 2003, the examiner noted in response to a restriction requirement the election of the invention of group I (claims 1-9) and indicated withdrawal of claims 10-12; rejected claims 1-4 and 7-9 under 35 U.S.C. 102 as anticipated by Marx et al; rejected claims 1-4 and 7-9 under 35 U.S.C. 102 as anticipated by Montanio; and rejected claims 1-9 under 35 U.S.C. 103 as unpatentable over Lundell et al in view of Marx et al.

Reconsideration of the application in view of the amended claims and following remarks is respectfully requested.

As described in the application, the present invention is a trial use power toothbrush, which emulates for a short trial period of time the operation of a corresponding commercial power toothbrush. It has been established that use of a power toothbrush which is many times more expensive than, for instance, a manual toothbrush, is important if not critical, to sales of the power toothbrush. It has been discovered that if a person actually uses a power toothbrush for a short period of time, that the benefits which accrue and which are noticeable during a short trial use will significantly encourage a decision in favor of buying the power toothbrush.

However, heretofore it has been unknown how to produce a power toothbrush or other personal care appliance, which can be an effective trial use item. The invention defined in claim 1 is a disposable toothbrush, which emulates the operation of the commercial counterpart of the toothbrush.

The toothbrush, besides emulating the performance of the article of the commercial counterpart, is structured with a power system which operates the power toothbrush in an emulative manner only for a short trial use period of time. Operation of the unit is terminated following the short trial use period of time, which is specified to be substantially

less than a normal period of use for the product.

These limitations with respect to "trial use" are structural. Trial use is clearly known to be a period for testing of a device and is hence differentiated from normal use. In the specification, "trial use" is defined to be a short period of time, typically one month or so, which permits the user to accommodate themselves to the operation of the device and then to use it for a short period of time sufficient to experience the benefits of the product, but not longer. Hence, a "trial use" period of time is defined and provides a structural limitation on the toothbrush. A trial use period of time is differentiated from normal use of a device, which in the case of a toothbrush might be six months or so.

The trial use limitations differentiate applicants' claimed invention from the references. Both Marx and Montanio disclose devices which operate for a normal period of time as opposed to a short, trial use period of time. There is no suggestion or teaching in either reference for a short period of use for the purpose of a trial or experiment. Marx et al is a disposable toothbrush, but is a commercial unit with a "relatively long life" of at least six months (column 6, line 10-16). Marx et al thus teaches a normal-life toothbrush for normal use, with the user clearly experiencing the benefits of the toothbrush over the expected six month life of the battery, after which the device may be disposed of. Marx does not teach a short-life trial power toothbrush.

Montanio is a tooth-cleaning device which is clearly not designed to be disposable. It does teach disposable (non-rechargeable) batteries 20. These batteries, however, appear to be replaceable when they fail. There is no teaching of the device itself being disposable nor is there any teaching that the device is adapted to emulate a commercially available product for a very short trial period of time. Montanio is directed toward a device which is adapted and intended for normal use over an extended period of time. The battery life of Montanio is not for a short trial use, but rather for a

normal period of time, after which, they can be replaced for further use of the device. There is no teaching or suggestion that the Montanio device has an emulative capability for only a short period of time for trial use, as opposed to a normal period of use.

Accordingly, independent claims 1 and 7 are patentable over the Marx et al and Montanio references, as well as the combination of Lundell and Marx. Since claims 2-6 and 8 and 9 are dependent upon dependent claims 1 and 7, respectively, those claims are also allowable.

In view of the above, allowance of the application is respectfully requested.

Respectfully submitted,  
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